

**Village of Irvington  
Zoning Board of Appeals**

Minutes of Meeting held July 22, 2003

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M. on Tuesday, July, 2003, in the in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman  
George Rowe  
Paul M. Giddins  
Robert Bronnes  
Bruce Clark

Mr. Lustenberger acted as Chairman and Mr. Giddins as Secretary of the meeting.

The minutes of the May 20, 2003 and the June 20, 2003 meetings were duly approved.

There were four matters on the agenda:

Case No.

**2003-18        Dennis and Cynthia Haines – 3 Hudson Road East (Sheet 15, Lot P121)**

This matter was adjourned at the request of the Applicant to the September, 2003 meeting.

**2003-19        Daniel and Barbara Budasoff – 9 Riverview Terrace (Sheet 10D; Block 241; Lot 15A)**

The Applicants appeared by their architect Matthew Behrens.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Irvington Zoning Ordinance (the “Code”), the Applicant filed the applicable proofs of service.

The Applicant sought a variance from the provisions of § 224-13 (building coverage) of the Code, to permit the construction of a 2-story addition to the Applicants’ residence.

The Board reviewed drawings submitted by the Applicant and noted that the proposed addition is to the northern side of the house and is fully screened by existing vegetation from the nearest residence, which is in the Fieldpoint development. The Board further noted that the addition increases existing coverage by only 5%, the Applicants’ lot is larger than the average lot in the Cedar Ridge neighborhood and the addition does not noticeably increase the bulk of the structures on the lot.

After weighing the applicable factors, the board concluded that the benefit to the Applicant from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, and that the benefit sought by Applicant could not feasibly be achieved by any method other than a variance. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request

for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. The motion was seconded and thereafter the Board voted on the Applicant's request for a variance. The Board voted unanimously to grant the request for a variance.

**2003-20      Immaculate Conception Church – 16 North Broadway (Sheet 10; Lot P25H)**

The Applicant appeared by its contractor Joseph Galano.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Code, the Applicant filed the applicable proofs of service.

The Applicant sought a variance from the provisions of §§ 224-51(B)(2) (Broadway Buffer) and 224(8)(B)(5)(a) (sign in a single family zone) of the Code, to permit the construction of a sign on the front lawn of the Applicant's property, the Immaculate Conception Church.

The Board reviewed drawings and specifications of the proposed sign submitted by the Applicant and concluded that the sign's design and size (approximately seven feet wide and five feet high) were in keeping with existing signs at the two Churches across Broadway from Immaculate Conception. The Board further noted that the proposed sign will be perpendicular to Broadway and located near the entrance to the High School, which the Board found to be an unobtrusive placement and location.

After weighing the applicable factors, the board concluded that the benefit to the Applicant from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, and that the benefit sought by Applicant could not feasibly be achieved by any method other than a variance. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. The motion was seconded and thereafter the Board voted on the Applicant's request for a variance. The Board voted unanimously to grant the request for a variance.

**2003-21        DeNardo Development Corp – Erie Street – Roland Avenue (Sheet 15, Lot P123A)**

The Applicant appeared with his attorney Norman Shearer.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Code, the Applicant filed the applicable proofs of service.

The Applicant sought a variance from the provisions of §§ 224-7A and 224-89A and B of the Code (existing non-conforming use), so as to permit the partial demolition, construction and renovation of a single family residence.

The matter was adjourned to the September, 2003 meeting so that all affected property owners could be notified and be given an opportunity to review accurate drawings of the proposed new structure.

There being no further business, the meeting was, upon motion duly made and seconded, unanimously adjourned.

/s/ Paul M. Giddins  
Paul M. Giddins